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January 4, 2024

Via ECF

Honorable Jennifer Rearden
Daniel Patrick Moynihan
United States Courthouse
Court Room 12B
500 Pearl Street
New York, New York 10007-1312

Pursuant to the parties' consent as described herein, (1) Plaintiff's motion to amend at Dkt. 45 is granted, and (2) Defendant's motion to dismiss at Dkt. 37 is withdrawn without prejudice. Plaintiff shall file the Second Amended Complaint by January 22, 2023. The Clerk of Court is respectfully directed to terminate the motions at Dkt. 37 and 45.

SO ORDERED:

1/8/2024 

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Re: Presidio, Inc., et al. v. Driven Acquisition, Inc., d/b/a Driven Technologies, et al.
Docket no. 1:23-cv-06235

Dear Judge Rearden:

We represent the Defendants Driven Acquisition, Inc., d/b/a Driven Technologies, Daniel Bello, Sanford Brown, and Andrew Chris in the above-referenced matter.

With the consent of Plaintiffs' Counsel, we respectfully submit this letter to withdraw Defendants' Opposition to Plaintiffs' application for permission to file a Second Amended Complaint (ECF Doc. No. 45).

In anticipation of the Court granting such application, we also ask to withdraw Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint (ECF Doc. No. 37).

The parties have also jointly agreed to seek an extension of the current discovery schedule. The parties plan to submit to Magistrate Judge Robert W. Lehrburger for consideration a stipulation setting forth their proposed revisions to the Civil Case Management Plan and Scheduling Order (ECF Doc. No. 21).

Respectfully submitted,

/s/ Andrew J. Campanelli
Andrew J. Campanelli

cc: Joshua Schlenger (via ECF)
Sheppard Mullin